

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. A-70543-3/RMA/LM/KRG

Anticipated Classification of this Application:

Class: Subclass:

Prior Application

Examiner: (UNKNOWN)

Art Unit: (UNKNOWN)

"EXPRESS MAIL" MAILING LABEL

NUMBER EL 735048878 US

DATE OF DEPOSIT February 27, 2002

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO: BOX PATENT APPLICATION FEE, U.S. PATENT AND TRADEMARK OFFICE, P. O. BOX 2327, ARLINGTON, VA 22202

TYPED NAME Kenneth R. Graham

SIGNED

Box PATENT APPLICATION FEE

U.S. Patent and Trademark Office

P. O. Box 2327

Arlington, VA 22202

Sir:

This is a request for filing a

— Original

— Continuation

— Divisional

☒ Continuation-in-part

application under 37 C.F.R. 1.53(b), in the names of

Kenneth LARGMAN, Anthony B. MORE and Jeffrey BLAIR

(Names of ALL Applicants)

for BACKUP OF A COMPUTER

(Title of Invention)

This — continuation — divisional ☒ continuation-in-part

claims priority to pending application Serial No. 09/862,898, filed on May 21, 2001, with Atty. Docket No. A-70543/RMA/LM; pending application Serial No. unknown, filed on November 19, 2001 with Atty. Docket No. A-70543-1/RMA/LM; pending application Serial No. unknown filed on February 11, 2002 with Atty. Docket No. A-70543-2/RMA/LM/KRG and provisional application Serial No. 60/291767 filed on May 17, 2001 with Atty. Docket No. P-70543/RMA/LM/KRG.

1. (a) — Enclosed is a new application.
(b) ☒ Enclosed is a continuation-in-part application in 13 pages of specification and claims, 250 pages of Appendix A, 4 pages of Appendix B and 12 pages of Appendix C.
(c) — Enclosed is a copy of the prior application.

2. (a) ☐ Enclosed is a unexecuted copy of a Declaration and Power of Attorney.
 (b) ☐ Enclosed is a copy of the prior Declaration as originally filed.

3. (a) ☒ Applicants claim small-entity status..

4. ☐ The filing fee is calculated below:

Claims as filed in the prior application, less any claims canceled by amendment below:

	(Col. 1)	(Col. 2)	SMALL ENTITY		OTHER THAN SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$		\$ 0
TOTAL CLAIMS	- 20 =	0	x \$ 9 =	\$	x 18 =	\$ 0
INDEP CLAIMS	- 3 =	??	x \$ 39 =	\$	x 78 =	\$ 0
MULTIPLE DEPENDENT CLAIM PRESENTED →			+ \$ 130 =	\$ 0	+ 260 =	\$
If the difference in Col 1 is less than zero, enter "0" in Col. 2			TOTAL	\$	TOTAL	\$

5. The Commissioner is hereby authorized to charge any additional fees which may be required, including extension fees or any deficiencies in the enclosed, or credit any overpayment to Deposit Account No. 06-1300 (Order No. A-70543-3/RMA/LM/KRG).

6. Our check in the amount of \$_____ is enclosed.

7. Cancel in this application original claims _____ of the prior application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)

8. Amend the specification by inserting before the first line the sentence:

--This is a _____ continuation _____ divisional _____ continuation-in-part

of application Serial No. _____ filed _____--

9. (a) _____ Informal drawings (____ sheets) and Appendix (____ pages) are enclosed.
 (b) _____ Formal drawings are enclosed.

10. (a) _____ Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 U.S.C. 119.

(b) _____ The certified copy has been filed in prior application Serial No. _____ filed on _____.

11. _____ The prior application is assigned of record to _____

12. _____ The power of attorney in the prior application is to:

Name: _____

Address: _____

- (a)___ The power appears in the original papers in the prior application.
(b)___ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
(c)___ A new power has been executed and is enclosed.
(d) X Address all future communications to:

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Suite 3400, Four Embarcadero Center
San Francisco, California 94111-4187
Telephone: (415) 781-1989

13. ___ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
14. ___ I hereby verify that the attached papers are a true duplicate of prior application Serial No. ___ as originally filed on ____.

Date: February 27, 2002

Signature: _____



Larry Mendenhall
Reg. No. 38,555

Address of Signer:

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP
4 Embarcadero Center, Suite 3400
San Francisco, CA 94111

Attorney or agent of record

Filed under Section 1.34(a)

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